UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/049,211	02/05/2002	Siani Lynne Pearson	B-4487PCT 619499 -6	8087

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EXAMINER
SHERKAT, AREZOO

ART UNIT	PAPER NUMBER
2131	

MAIL DATE	DELIVERY MODE
08/31/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/049,211	PEARSON ET AL.
	Examiner	Art Unit	
	Arezoo Sherkat	2131	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>23 July 2007</u>.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1,2 and 4-7</u> is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) <u>19-22, 26-27, 29, and 31-47</u> is/are allowed.

6)☒ Claim(s) <u>1,2 and 4-7</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All b)☐ Some * c)☐ None of:

　　　1.☐ Certified copies of the priority documents have been received.

　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
　　Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Response to Amendment

This office action is responsive to Applicant's amendment received on 7/23/2007.

Claims 1, 7, 19, 20, 27, and 29 are amended. Claims 1-2, 4-7, 19-22, 26-27, 29, and

31-47 are pending.

Response to Arguments

Applicant's arguments filed 7/23/2007 have been fully considered but they are

not persuasive.

Applicant argues that "There is nothing in Levy that teaches a method for a user

of the smartcard or another computer platform interacting with the smartcard to verify

the integrity of the smartcard before the code (the bytecodes) are loaded onto the card"

(Remarks, page 13).

In response to applicant's argument that the references fail to show certain

features of applicant's invention, it is noted that the features upon which applicant relies

(i.e., protecting a user of the computer platform in case the computer platform itself has

been subverted) are not recited in the rejected claim(s). Although the claims are

interpreted in light of the specification, limitations from the specification are not read into

the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant also argues that Levy does not disclose the presently claimed means

for integrity checking the license-related code with reference to the signed version and

the public key certificate and preventing the license-related code from being loaded if

the integrity check fails (Remarks, page 13).

Examiner respectfully disagrees. Levy does disclose means for integrity checking the license-related code (i.e., wherein according to Levy's disclosure, a software application comprises a plurality of hardware independent bytecodes - col. 3, lines 10-20) with reference to the signed version and the public key certificate and preventing the license-related code from being loaded if the integrity check fails (i.e., If the authentication/integrity checking fails, the loader prevents the bytecode(s) from gaining access to the VM)(col. 9, lines 1-25).

Claim Objections

Due to the claim amendments received on 7/23/2007, the objection to claims 1, 6, 7, 19, 20, 27, 29 are withdrawn.

Claim Rejections - 35 USC § 112

Due to the claim amendments received on 7/23/2007, the 35 USC § 112 rejection of claims 1, 7, 19, 20, 27, 29 are withdrawn.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-2 and 4-7 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Levy et al., (U.S. Patent No. 6,092,147 and Levy hereinafter), in view of Marsh,

(U.S. Patent No. 7,124,938).

Regarding claims 1 and 7, Levy discloses a computer platform having:

a trusted module which is resistant to internal tampering and which stores a third

party's public key certificate (col. 8, lines 44-67 and col. 9, lines 1-25), means for storing

license-related code comprising at least one of a secure executor for checking whether

the platform or a user thereof is licensed to use particular data and for providing an

interface for using the data and/or for monitoring its usage, and a secure loader for

checking whether the platform or a user thereof is licensed to install particular data

and/or for checking for data integrity before installation, the license-related code

including secure key-transfer code for enabling a license key to be transferred between

the trusted module and a further trusted module of another computer platform (col. 5,

lines 15-67 and col. 6, lines 1-60) , means for storing a hashed version of the license-

related code signed with the third party's private key (col. 6, lines 10-27), and means for

integrity checking the license-related code with reference to the signed version and the

public key certificate and preventing the license-related code from being loaded if the

integrity check fails (col. 9, lines 1-25).

Levy does not explicitly disclose the process of verification of an asymmetric

digital signature in detail.

However, Marsh discloses a trusted module which is resistant to internal tampering and which stores a third party's public key certificate (i.e., a certificate that is digitally signed by a trusted licensing authority), means for storing a hashed version of the license-related code signed with the third party's private key (col. 10, lines 3-67), and means for integrity checking the license-related code with reference to the signed version and the public key certificate and preventing the license-related code from being decoded and rendered by the renderer module through the rendering device if the integrity check fails (col. 15, lines 8-67 and col. 16, lines 1-24).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify teachings of Levy with teachings of Marsh because it would allow to include the process of verification of an asymmetric digital signature in detail as disclosed by Marsh. This modification would have been obvious because one of ordinary skill in the art would have been motivated by the suggestion of Marsh to ensure that the licensing authority did in fact sign the certificate and the certificate has not been altered since it has been signed (Marsh, col. 10, lines 25-45).

Regarding claim 2, Levy discloses a computer platform as claimed in claim 1, wherein the means for integrity checking further comprises a suitable cryptographic computation such as computing and comparing a hash value (col. 6, lines 10-25).

Levy does not explicitly disclose the process of verification of a hash value in detail.

However, Marsh further discloses means for reading and hashing the license-related code to produce a first hash, means for reading and decrypting the signed version using the public key certificate to produce a second hash, and means for comparing the first and second hashes (col. 10, lines 3-67).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify teachings of Levy with teachings of Marsh because it would allow to include the process of verification of a hash value in detail in detail as disclosed by Marsh. This modification would have been obvious because one of ordinary skill in the art would have been motivated by the suggestion of Marsh to ensure that the licensing authority did in fact sign the certificate and the certificate has not been altered since it has been signed (Marsh, col. 10, lines 25-45).

Regarding claim 4, Levy discloses a computer platform as claimed in claim 1, wherein the license-related code also includes a library of interface subroutines which can be called in order to communicate with the trusted module (col. 5, lines 60-67 and col. 6, lines 1-10).

Regarding claim 5, Levy discloses a computer platform as claimed in claim 1, wherein the license-related code includes, for at least one group of data, a (or a respective) software executor (i.e., compiler application 144) which specifies the respective group of data and which is operable to act as an interface to that group of data (col. 9, lines 39-67 and col. 10, lines 1-25).

Regarding claim 6, Levy discloses a computer platform as claimed in claim 1, wherein the means for storing the license-related code and/or the means for storing the hashed version of the license-related code are provided, at least in part, by the trusted module (col. 6, lines 10-27).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arezoo Sherkat whose telephone number is (571) 272-3796. The examiner can normally be reached on 8:00-4:30 Monday-Friday.
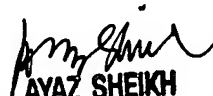
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AYAZ SHEIKH
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TECHNOLOGY CENTER 2100

A.S.
Patent Examiner
Group 2131
August 27, 2007